

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID A. L. MONTALVO,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 3:15-cv-05809 JRC

ORDER ON UNOPPOSED MOTION
FOR EQUAL ACCESS TO JUSTICE
ACT FEES AND EXPENSES AND
FOR COSTS

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 3; Consent to Proceed Before a United States Magistrate Judge, Dkt. 4).

This matter is before the Court on plaintiff's Motion for Costs and Attorney Fees under EAJA (*see* Dkt. 17). The defendant does not object to plaintiff's motion (*see* Dkt. 18).

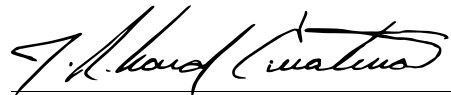
Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), plaintiff's motion and time and expense itemizations (Dkt. 17), and the relevant record, it is hereby ORDERED that EAJA attorney's fees of \$5,613.26 and expenses in the amount of \$10.68, shall be awarded

1 to plaintiff pursuant to the EAJA and consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524,
2 2010 U.S. LEXIS 4763 at ***6-***7 (2010).

3 It is further ORDERED that costs in the amount of \$400.00 shall be awarded to plaintiff
4 pursuant to 28 U.S.C. § 1920.

5 The Acting Commissioner shall contact the Department of Treasury after the Order for
6 EAJA fees, expenses and costs is entered to determine if the EAJA fees, expenses and costs are
7 subject to any offset. If it is determined that plaintiff's EAJA fees, expenses and costs are not
8 subject to any offset allowed pursuant to the Department of the Treasury's Offset Program, then
9 the check for EAJA fees shall be sent to Todd R. Renda, Esq. If there is an offset, the remainder
10 shall be made payable to plaintiff, based on the practice of the Department of the Treasury (*see*,
11 *e.g.*, Case No. 2:15-cv-122, Dkt. 22, p. 4). Any check for EAJA fees, expenses and costs shall be
12 mailed to plaintiff's counsel, Todd R. Renda, Esq., at 6314 19th Street West, Suite 21, Tacoma,
13 WA 98466-6223.

14 Dated this 6th day of July, 2016.

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17 J. Richard Creatura
18 United States Magistrate Judge
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